

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTINE ESTHER MOSES,

Defendant.

NO. CR20-099-RSM

ORDER CONTINUING TRIAL
DATE

THIS COURT having considered the unopposed motion of the United States for an Order Continuing the Trial Date, and the facts set forth therein, and General Orders 15-20, 18-20 and earlier Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC), the Governor of the State of Washington, and Public Health for Seattle and King County regarding social distancing measures and restrictions required to stop the spread of this disease, it is not possible at this time to proceed with a jury trial on the currently scheduled date of March 8, 2021.
2. Further, because of the recommendations that individuals at higher risk of contracting this disease – including individuals with underlying health conditions,

1 individuals age 60 and older, and individuals who are pregnant – avoid large
 2 groups of people, at this time, it would be difficult, if not impossible, to get a jury
 3 pool that would represent a fair cross section of the community. Based on the
 4 recommendations, it would also be medically inadvisable to do so.

- 5 3. As a result, the failure to grant a continuance of the trial date in this case would
 6 likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A),
 7 the ends of justice served by continuing the trial in this case outweigh the best
 8 interest of the public and the defendant to a speedy trial.

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 10 IT IS THEREFORE ORDERED that trial in this matter is rescheduled for August 9,
 11 2021, with pretrial motions due by July 1, 2021.

12 IT IS FURTHER ORDERED that the time between January 11, 2021 (the date of
 13 filing the government's unopposed motion to continue the trial date) and the new trial date of
 14 August 9, 2021 is excluded in computing the time within which trial must commence
 15 because the ends of justice served by granting this continuance outweigh the best interest of
 16 the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A). Failure to grant
 17 this continuance would likely make trial impossible and result in a miscarriage of justice, and
 18 would deny counsel for the defendant and government counsel the reasonable time necessary
 19 for effective preparation, taking into account the exercise of due diligence. *Id.* §
 20 3161(h)(7)(B)(i), (iv).

21 Dated this 29th day of January, 2021.

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24 RICARDO S. MARTINEZ
 25 CHIEF UNITED STATES DISTRICT JUDGE
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